IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

Bail Appl..No. 7484 of 2007(K)

(CRIME NO. 992/2007 OF KALAMASSERY POLICE STATION)
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PETITIONER:

K.KARUNAKARAN PILLAI,
S/O KUNJU PILLAI, CHITHIRA HOUSE,
CHANGAMPUZHA NAGAR P.O.,
KALAMASSERRY.

BY ADV. SRI.ABRAHAM JOHN.

RESPONDENTS:
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1. **CIRCLE INSPECTOR OF POLICE,**
   KALAMASSERRY.

2. **SUB INSPECTOR OF POLICE,**
   KALAMASSERRY POLICE STATION,
   (BOTH REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA)

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7484 of 2007

Dated this the 6th day of December, 2007

ORDER

Application for anticipatory bail. The petitioner apprehends arrest in a crime registered for offences punishable, inter alia, under Sections 406 and 420 I.P.C. The crux of the allegations is that the petitioner, an Ex-service man, had received amounts from the defacto complainant for securing employment to his son and his nephew - Rs.25,000/- each. A further amount of Rs.50,000/- each has also been subsequently paid to the 2nd accused who had allegedly received it on behalf of the petitioner herein. It is alleged that such amounts were received fraudulently without any intention to secure such employment in the Army for the said job seekers. Crime has been registered. Investigation is in progress. The 2nd accused has already been arrested and enlarged on bail. The petitioner has not been apprehended so far.

2. The learned counsel for the petitioner submits that the allegations against the petitioner are totally unjustified. The

counsel relies on the sequence of events in this case which reveals that the petitioner was obliged to come before this Court seeking directions against police harassment. All the while these allegations were raised before the police, submits the learned counsel for the petitioner. Only belatedly, after the petitioner secured orders against police harassment from this Court, has the present crime been registered. The motive is transparent. The attempt is only to vex and harass the petitioner by repeating an allegation which was attempted to be raised against the petitioner on a number of previous occasions.

3. The learned counsel for the petitioner submits that the petitioner is an Ex-service man and he is leading a respectable life. The petitioner is willing to co-operate with the investigator. He shall abide by all conditions to be imposed by this Court. He may be granted anticipatory bail.

4. The learned Public Prosecutor opposes the application. But notwithstanding the opposition, in the facts and circumstances to which I have made brief reference already, I am satisfied, that the petitioner can be granted anticipatory bail

subject of course to appropriate conditions which shall ensure the interests of a fair, efficient and expeditious investigation.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 13.12.2007. He shall be enlarged on regular bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 5 p.m on 14.12.2007 and 15.12.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 13.12.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 13.12.07.

(R.BASANT, JUDGE)

rtr/-